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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,407	10/25/2001	Andreas Neuner	SZY6126P0020US	7841

32116 7590 12/17/2004

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 60661

EXAMINER

WUJCIAK, ALFRED J

ART UNIT PAPER NUMBER

3632

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/856,407

Applicant(s)

NEUNER, ANDREAS

Examiner

Alfred Joseph Wujciak III

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1625 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 18-23-25 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Art Unit: 3632

DETAILED ACTION

This is the second Office Action for the serial number 09/856,407, PLANT ARRANGEMENT WITH A HOLDER FOR OBJECTS THEREIN, filed on 10/25/01.

The examiner withdrew the allowance of claims 16-23 and 25 in view of new ground of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16, 19-21, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 3,481,075 to Dastoli et al.

Dastoli et al. teaches a bouquet of flowers (74) including a bundle of floral stems and a support (50) for non-floral items comprising at least three supporting rods (56 and 58) secured at one end circularly bundled by a common supporting base (54) and including at least one non-floral item (52) secured to one of the supporting rods and supported by the support in the bouquet. Wherein the support is integrated within the bouquet and clasped in the bundle of floral stems. The item is secured to the supporting rod via a fastener (welded or soldered, col. 5, line 31) in which the supporting rod is inserted.

Art Unit: 3632

Dastoli et al. teaches the at least three supporting rods but fails to teach the at least three supporting rods are bendable however in figure 1 of Dastoli et al.'s invention shows the at least three supporting rods are bendable. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Dastoli et al.'s supporting rods with bendable to provide more space for the flowers when retained in the supporting rods.

In regard to claims 23 and 25, Dastoli et al. teaches all elements above but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used Dastoli et al.'s elements in method to provide specific steps for setting up the support with bouquet of flowers and non-floral item without damaging the flowers.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dastoli et al. in view of German Patent # 3,819,981 to Grotepass.

Dastoli et al. teaches the supporting rods but fails to teach the rods are made of refined steel wire. Grotepass teaches the rod is made of refined steel wire (see abstract). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Dastoli et al.'s rods with refined steel wire as taught by Grotepass to improve appearance of the support.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dastoli et al. in view of Japan Patent # 1,207,711 to Niwa.

Art Unit: 3632

Dastoli et al. teaches the fastener but fails to teach the fastener is made of polyethylene. Niwa teaches polyethylene (see abstract). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have replaced Dastoli et al.'s fastener with polyethylene as taught by Niwa to provide designer's choice for the kind of adhesive to fasten rods with the item.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 649,874 to Payne and in view of Dastoli et al.

Payne teaches a non-floral item (c) securing to a support (A) comprising at least three supporting rods (a' and a'') held at one end circularly bundled by a common support base (D). The supporting rods being splayed and subsequently bent to shape from the bundle at the location of a shiftable ring (b').

Payne teaches the support is designed to support flower but fails to teach a bouquet of flowers including a bundle of floral stems. Dastoli et al. teaches a bouquet of flowers including a bundle of floral stem (figure 2). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added Payne bouquet of flowers with floral stems as taught by Dastoli et al. to improve the ornament appearance of the support.

Payne in view of Dastoli et al. teaches all elements above but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for installing bouquet of flowers to support and adjusting the supporting rods prior installing the flowers to prevent from damaging the bouquet of flowers when installing them on the support.

Allowable Subject Matter

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regard to claim 17, the prior art fails to teach wherein the item is a gift item.

Response to Arguments

Applicant's arguments with respect to claims 16-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

Art Unit 3632

A handwritten signature in black ink, appearing to read 'Alfred Wujciak III', with a stylized flourish at the end.

11/29/04